

M E M O R A N D U M

TO: Governing Board Members

FROM: Tommy B. Strowd, Director, Operations, Maintenance & Construction Division

DATE: September 8, 2011

SUBJECT: **Authorize Publication of a Notice of Rule Development to amend rules 40E-7.521, 40E-7.527, 40E-7.538, 40E-7.5381, and 40E-7.5382, F.A.C., of the Public Use Rule.**

Background:

Florida Statute 790.33 was recently amended to place the regulation of firearms and ammunition under the sole purview of the state, subject to certain exceptions. As a result of this amendment, existing firearm regulations contained in Public Use Rule 40E-7, Part V, F.A.C., will be considered “null and void” effective October 1, 2011 per statutory language. Enforcement of these rules after October 1, 2011 will result in the application of penalties as defined in 790.33(3), F.S. Authority to enter into rule development is requested to amend these rules contained in 40E-7, Part V, F.A.C., in order to remain compliant with existing statute. The Office of Fiscal Accountability and Regulatory Reform will be notified of the proposed amendments in accordance with the interim guidelines received by the Office of the Governor dated August 19, 2011.

How this helps meet the District’s 10-year Strategic Plan:

Rule development to amend existing public use rules will provide for continued public recreation on District lands consistent with state law and the protection of natural resources.

Funding Source:

N/A

This Board item impacts what areas of the District, both resource areas and geography:

This item impacts the Vegetation and Land Bureau and all District lands open to the public for recreational purposes under Chapter 40E-7, Part V, F.A.C.

What concerns could this Board item raise?

The recent amendment to 790.33, F.S., requires the District to amend the firearm rules contained in 40E-7, Part V, F.A.C., in order to be compliant with existing law. The enforcement of these rules after October 1, 2011 would subject the agency to penalties as defined in statute.

Why should the Governing Board approve this item?

The ability to initiate rule development is necessary in order to amend the existing Public Use Rules to assure compliance with 790.33, F.S.